

**Calendar No. 66**

109TH CONGRESS  
1ST SESSION

**S. 128**

**[Report No. 109–47]**

To designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MARCH 30, 2005

Reported, under authority of the order of the Senate of March 17, 2005, by  
Mr. DOMENICI, without amendment

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**A BILL**

To designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Northern California  
3 Coastal Wild Heritage Wilderness Act”.

4 **SEC. 2. DEFINITION OF SECRETARY.**

5       In this Act, the term “Secretary” means—

6           (1) with respect to land under the jurisdiction  
7       of the Secretary of Agriculture, the Secretary of Ag-  
8       riculture; and

9           (2) with respect to land under the jurisdiction  
10      of the Secretary of the Interior, the Secretary of the  
11      Interior.

12 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

13       In accordance with the Wilderness Act (16 U.S.C.  
14 1131 et seq.), the following areas in the State of California  
15 are designated as wilderness areas and as components of  
16 the National Wilderness Preservation System:

17           (1) SNOW MOUNTAIN WILDERNESS ADDITION.—

18           (A) IN GENERAL.—Certain land in the  
19       Mendocino National Forest, comprising ap-  
20       proximately 23,312 acres, as generally depicted  
21       on the maps described in subparagraph (B), is  
22       incorporated in and shall considered to be a  
23       part of the “Snow Mountain Wilderness”, as  
24       designated by section 101(a)(31) of the Cali-  
25       fornia Wilderness Act of 1984 (16 U.S.C. 1132  
26       note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “Skeleton Glade Unit, Snow Mountain Proposed Wilderness Addition, Mendocino National Forest” and dated September 17, 2004; and

(ii) the map entitled “Bear Creek/Deafy Glade Unit, Snow Mountain Wilderness Addition, Mendocino National Forest” and dated September 17, 2004.

(2) SANHEDRIN WILDERNESS.—Certain land in the Mendocino National Forest, comprising approximately 10,571 acres, as generally depicted on the map entitled “Sanhedrin Proposed Wilderness, Mendocino National Forest” and dated September 17, 2004, which shall be known as the “Sanhedrin Wilderness”.

(3) YUKI WILDERNESS.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California, together comprising approximately 54,087 acres, as generally depicted on the map entitled “Yuki Proposed Wilderness” and dated October 28, 2004, which shall be known as the “Yuki Wilderness”.

1           (4) YOLLA BOLLY-MIDDLE EEL WILDERNESS  
 2           ADDITION.—Certain land in the Mendocino National  
 3           Forest and certain land administered by the Bureau  
 4           of Land Management in Mendocino County, Cali-  
 5           fornia, together comprising approximately 25,806  
 6           acres, as generally depicted on the map entitled  
 7           “Middle Fork Eel, Smokehouse and Big Butte  
 8           Units, Yolla Bolly-Middle Eel Proposed Wilderness  
 9           Addition” and dated October 28, 2004, is incor-  
 10          porated in and shall considered to be a part of the  
 11          Yolla Bolly-Middle Eel Wilderness, as designated by  
 12          section 3 of the Wilderness Act (16 U.S.C. 1132).

13          (5) MAD RIVER BUTTES WILDERNESS.—Certain  
 14          land in the Six Rivers National Forest, comprising  
 15          approximately 6,494 acres, as generally depicted on  
 16          the map entitled “Mad River Buttes, Mad River  
 17          Proposed Wilderness” and dated September 17,  
 18          2004, which shall be known as the “Mad River  
 19          Buttes Wilderness”.

20          (6) SISKIYOU WILDERNESS ADDITION.—

21                (A) IN GENERAL.—Certain land in the Six  
 22          Rivers National Forest, comprising approxi-  
 23          mately 48,754 acres, as generally depicted on  
 24          the maps described in subparagraph (B), is in-  
 25          corporated in and shall be considered to be a

1 part of the Siskiyou Wilderness, as designated  
2 by section 101(a)(30) of the California Wilder-  
3 ness Act of 1984 (16 U.S.C. 1132 note; Public  
4 Law 98–425).

5 (B) DESCRIPTION OF MAPS.—The maps  
6 referred to in subparagraph (A) are—

7 (i) the map entitled “Bear Basin  
8 Butte Unit, Siskiyou Proposed Wilderness  
9 Additions, Six Rivers National Forest” and  
10 dated October 28, 2004;

11 (ii) the map entitled “Blue Creek  
12 Unit, Siskiyou Proposed Wilderness Addi-  
13 tion, Six Rivers National Forest” and  
14 dated October 28, 2004;

15 (iii) the map entitled “Blue Ridge  
16 Unit, Siskiyou Proposed Wilderness Addi-  
17 tion, Six Rivers National Forest” and  
18 dated September 17, 2004;

19 (iv) the map entitled “Broken Rib  
20 Unit, Siskiyou Proposed Wilderness Addi-  
21 tion, Six Rivers National Forest” and  
22 dated September 17, 2004; and

23 (v) the map entitled “Wooly Bear  
24 Unit, Siskiyou Proposed Wilderness Addi-

tion, Six Rivers National Forest” and dated September 27, 2004.

(7) MOUNT LASSIC WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 7,279 acres, as generally depicted on the map entitled “Mt. Lassic Proposed Wilderness” and dated September 17, 2004, which shall be known as the “Mount Lassic Wilderness”.

(8) TRINITY ALPS WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 28,805 acres, as generally depicted on the maps described in subparagraph (B) and which is incorporated in and shall be considered to be a part of the Trinity Alps Wilderness as designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “Orleans Mountain Unit (Boise Creek), Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest”, and dated October 28, 2004;

1 (ii) the map entitled “East Fork Unit,  
 2 Trinity Alps Proposed Wilderness Addi-  
 3 tion, Six Rivers National Forest” and  
 4 dated September 17, 2004;

5 (iii) the map entitled “Horse Linto  
 6 Unit, Trinity Alps Proposed Wilderness  
 7 Addition, Six Rivers National Forest” and  
 8 dated September 17, 2004; and

9 (iv) the map entitled “Red Cap Unit,  
 10 Trinity Alps Proposed Wilderness Addi-  
 11 tion, Six Rivers National Forest” and  
 12 dated September 17, 2004.

13 (9) UNDERWOOD WILDERNESS.—Certain land  
 14 in the Six Rivers National Forest, comprising ap-  
 15 proximately 2,977 acres, as generally depicted on the  
 16 map entitled “Underwood Proposed Wilderness, Six  
 17 Rivers National Forest” and dated September 17,  
 18 2004, which shall be known as the “Underwood Wil-  
 19 derness”.

20 (10) CACHE CREEK WILDERNESS.—Certain  
 21 land administered by the Bureau of Land Manage-  
 22 ment in Lake County, California, comprising ap-  
 23 proximately 30,870 acres, as generally depicted on  
 24 the map entitled “Cache Creek Wilderness Area”

1 and dated September 27, 2004, which shall be  
2 known as the “Cache Creek Wilderness”.

3 (11) CEDAR ROUGHS WILDERNESS.—Certain  
4 land administered by the Bureau of Land Manage-  
5 ment in Napa County, California, comprising ap-  
6 proximately 6,350 acres, as generally depicted on the  
7 map entitled “Cedar Roughts Wilderness Area” and  
8 dated September 27, 2004, which shall be known as  
9 the “Cedar Roughts Wilderness”.

10 (12) SOUTH FORK EEL RIVER WILDERNESS.—  
11 Certain land administered by the Bureau of Land  
12 Management in Mendocino County, California, com-  
13 prising approximately 12,915 acres, as generally de-  
14 picted on the map entitled “South Fork Eel River  
15 Wilderness Area and Elkhorn Ridge Potential Wil-  
16 derness” and dated September 27, 2004, which shall  
17 be known as the “South Fork Eel River Wilder-  
18 ness”.

19 (13) KING RANGE WILDERNESS.—

20 (A) IN GENERAL.—Certain land adminis-  
21 tered by the Bureau of Land Management in  
22 Humboldt and Mendocino Counties, California,  
23 comprising approximately 42,585 acres, as gen-  
24 erally depicted on the map entitled “King  
25 Range Wilderness”, and dated November 12,



1           2004, which shall be known as the “King  
2           Range Wilderness”.

3           (B) APPLICABLE LAW.—With respect to  
4           the wilderness designated by subparagraph (A),  
5           in the case of a conflict between this Act and  
6           Public Law 91–476 (16 U.S.C. 460y et seq.),  
7           the more restrictive provision shall control.

8           (14) ROCKS AND ISLANDS.—

9           (A) IN GENERAL.—All Federally-owned  
10          rocks, islets, and islands (whether named or  
11          unnamed and surveyed or unsurveyed) that are  
12          located—

13               (i) not more than 3 geographic miles  
14               off the coast of the King Range National  
15               Conservation Area; and

16               (ii) above mean high tide.

17          (B) APPLICABLE LAW.—In the case of a  
18          conflict between this Act and Proclamation No.  
19          7264 (65 Fed. Reg. 2821), the more restrictive  
20          provision shall control.

21   **SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.**

22          (a) MANAGEMENT.—Subject to valid existing rights,  
23          each area designated as wilderness by this Act shall be  
24          administered by the Secretary in accordance with the Wil-  
25          derness Act (16 U.S.C. 1131 et seq.), except that—

1           (1) any reference in that Act to the effective  
2       date shall be considered to be a reference to the date  
3       of enactment of this Act; and

4           (2) any reference in that Act to the Secretary  
5       of Agriculture shall be considered to be a reference  
6       to the Secretary that has jurisdiction over the wil-  
7       derness.

8       (b) MAP AND DESCRIPTION.—

9           (1) IN GENERAL.—As soon as practicable after  
10      the date of enactment of this Act, the Secretary  
11      shall file a map and a legal description of each wil-  
12      derness area designated by this Act with—

13           (A) the Committee on Resources of the  
14      House of Representatives; and

15           (B) the Committee on Energy and Natural  
16      Resources of the Senate.

17           (2) FORCE OF LAW.—A map and legal descrip-  
18      tion filed under paragraph (1) shall have the same  
19      force and effect as if included in this Act, except  
20      that the Secretary may correct errors in the map  
21      and legal description.

22           (3) PUBLIC AVAILABILITY.—Each map and  
23      legal description filed under paragraph (1) shall be  
24      filed and made available for public inspection in the  
25      appropriate office of the Secretary.

1       (c) INCORPORATION OF ACQUIRED LAND AND INTER-  
2 ESTS.—Any land within the boundary of a wilderness area  
3 designated by this Act that is acquired by the Federal  
4 Government shall—

5           (1) become part of the wilderness area in which  
6 the land is located; and

7           (2) be managed in accordance with this Act, the  
8 Wilderness Act (16 U.S.C. 1131 et seq.), and any  
9 other applicable law.

10       (d) WITHDRAWAL.—Subject to valid rights in exist-  
11 ence on the date of enactment of this Act, the Federal  
12 land designated as wilderness by this Act is withdrawn  
13 from all forms of—

14           (1) entry, appropriation, or disposal under the  
15 public land laws;

16           (2) location, entry, and patent under the mining  
17 laws; and

18           (3) disposition under all laws pertaining to min-  
19 eral and geothermal leasing or mineral materials.

20       (e) FIRE, INSECT, AND DISEASE MANAGEMENT AC-  
21 TIVITIES.—

22           (1) IN GENERAL.—The Secretary may take  
23 such measures in the wilderness areas designated by  
24 this Act as are necessary for the control and preven-

1       tion of fire, insects, and diseases, in accordance  
2       with—

3               (A) section 4(d)(1) of the Wilderness Act  
4               (16 U.S.C. 1133(d)(1)); and

5               (B) House Report No. 98–40 of the 98th  
6       Congress.

7       (2) REVIEW.—Not later than 1 year after the  
8       date of enactment of this Act, the Secretary shall re-  
9       view existing policies applicable to the wilderness  
10      areas designated by this Act to ensure that author-  
11      ized approval procedures for any fire management  
12      measures allow a timely and efficient response to  
13      fire emergencies in the wilderness areas.

14      (f) ACCESS TO PRIVATE PROPERTY.—

15              (1) IN GENERAL.—The Secretary shall provide  
16      any owner of private property within the boundary  
17      of a wilderness area designated by this Act adequate  
18      access to such property to ensure the reasonable use  
19      and enjoyment of the property by the owner.

20      (2) KING RANGE WILDERNESS.—

21              (A) IN GENERAL.—Subject to subpara-  
22      graph (B), within the wilderness designated by  
23      section 3(13), the access route depicted on the  
24      map for private landowners shall also be avail-  
25      able for invitees of the private landowners.

1 (B) LIMITATION.—Nothing in subpara-  
2 graph (A) requires the Secretary to provide any  
3 access to the landowners or invitees beyond the  
4 access that would be available if the wilderness  
5 had not been designated.

6 (g) SNOW SENSORS AND STREAM GAUGES.—If the  
7 Secretary determines that hydrologic, meteorologic, or cli-  
8 matological instrumentation is appropriate to further the  
9 scientific, educational, and conservation purposes of the  
10 wilderness areas designated by this Act, nothing in this  
11 Act prevents the installation and maintenance of the in-  
12 strumentation within the wilderness areas.

13 (h) MILITARY ACTIVITIES.—Nothing in this Act pre-  
14 cludes low-level overflights of military aircraft, the des-  
15 igation of new units of special airspace, or the use or  
16 establishment of military flight training routes over wil-  
17 derness areas designated by this Act.

18 (i) LIVESTOCK.—Grazing of livestock and the mainte-  
19 nance of existing facilities related to grazing in wilderness  
20 areas designated by this Act, where established before the  
21 date of enactment of this Act, shall be permitted to con-  
22 tinue in accordance with—

23 (1) section 4(d)(4) of the Wilderness Act (16  
24 U.S.C. 1133(d)(4)); and

1           (2) the guidelines set forth in Appendix A of  
2       the report of the Committee on Interior and Insular  
3       Affairs of the House of Representatives accom-  
4       panying H.R. 2570 of the 101st Congress (H. Rept.  
5       101–405).

6       (j) FISH AND WILDLIFE MANAGEMENT.—

7           (1) IN GENERAL.—In furtherance of the pur-  
8       poses of the Wilderness Act (16 U.S.C. 1131 et  
9       seq.), the Secretary may carry out management ac-  
10      tivities to maintain or restore fish and wildlife popu-  
11      lations and fish and wildlife habitats in wilderness  
12      areas designated by this Act if such activities are—

13           (A) consistent with applicable wilderness  
14      management plans; and

15           (B) carried out in accordance with applica-  
16      ble guidelines and policies.

17       (2) STATE JURISDICTION.—Nothing in this Act  
18      affects the jurisdiction of the State of California  
19      with respect to fish and wildlife on the public land  
20      located in the State.

21      (k) USE BY MEMBERS OF INDIAN TRIBES.—

22           (1) ACCESS.—In recognition of the past use of  
23      wilderness areas designated by this Act by members  
24      of Indian tribes for traditional cultural and religious  
25      purposes, the Secretary shall ensure that Indian

1 tribes have access to the wilderness areas for tradi-  
2 tional cultural and religious purposes.

3 (2) TEMPORARY CLOSURES.—

4 (A) IN GENERAL.—In carrying out this  
5 section, the Secretary, on request of an Indian  
6 tribe, may temporarily close to the general pub-  
7 lic 1 or more specific portions of a wilderness  
8 area to protect the privacy of the members of  
9 the Indian tribe in the conduct of the tradi-  
10 tional cultural and religious activities in the wil-  
11 derness area.

12 (B) REQUIREMENT.—Any closure under  
13 subparagraph (A) shall be made in such a man-  
14 ner as to affect the smallest practicable area for  
15 the minimum period of time necessary for the  
16 activity to be carried out.

17 (3) APPLICABLE LAW.—Access to the wilder-  
18 ness areas under this subsection shall be in accord-  
19 ance with—

20 (A) Public Law 95–341 (commonly known  
21 as the “American Indian Religious Freedom  
22 Act”) (42 U.S.C. 1996 et seq.); and

23 (B) the Wilderness Act (16 U.S.C. 1131 et  
24 seq.).

25 (l) ADJACENT MANAGEMENT.—

1           (1) IN GENERAL.—Nothing in this Act creates  
2       protective perimeters or buffer zones around any wil-  
3       derness area designated by this Act.

4           (2) NONWILDERNESS ACTIVITIES.—The fact  
5       that nonwilderness activities or uses can be seen or  
6       heard from areas within a wilderness area des-  
7       ignated by this Act shall not preclude the conduct of  
8       those activities or uses outside the boundary of the  
9       wilderness area.

10 **SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.**

11       (a) FINDING.—Congress finds that, for the purposes  
12       of section 603 of the Federal Land Policy and Manage-  
13       ment Act of 1976 (43 U.S.C. 1782), any portion of a wil-  
14       derness study area described in subsection (b) that is not  
15       designated as wilderness by this Act or any previous Act  
16       has been adequately studied for wilderness.

17       (b) DESCRIPTION OF STUDY AREAS.—The study  
18       areas referred to in subsection (a) are—

- 19           (1) the King Range Wilderness Study Area;  
20           (2) the Chemise Mountain Instant Study Area;  
21           (3) the Red Mountain Wilderness Study Area;  
22           (4) the Cedar Roughts Wilderness Study Area;  
23       and  
24           (5) those portions of the Rocky Creek/Cache  
25       Creek Wilderness Study Area in Lake County, Cali-



1       fornia which are not in R. 5 W., T. 12 N., sec. 22,  
2       Mount Diablo Meridian.

3       (c) RELEASE.—Any portion of a wilderness study  
4 area described in subsection (b) that is not designated as  
5 wilderness by this Act or any other Act enacted before the  
6 date of enactment of this Act shall not be subject to sec-  
7 tion 603(c) of the Federal Land Policy and Management  
8 Act of 1976 (43 U.S.C. 1782(c)).

9       **SEC. 6. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.**

10       (a) DESIGNATION.—In furtherance of the purposes of  
11 the Wilderness Act (16 U.S.C. 1131 et seq.), certain pub-  
12 lic land in the State administered by the Bureau of Land  
13 Management, comprising approximately 9,655 acres, as  
14 generally depicted on the map entitled “South Fork Eel  
15 River Wilderness Area and Elkhorn Ridge Potential Wil-  
16 derness” and dated September 27, 2004, is designated as  
17 a potential wilderness area.

18       (b) MANAGEMENT.—Except as provided in subsection  
19 (c) and subject to valid existing rights, the Secretary shall  
20 manage the potential wilderness area as wilderness until  
21 the potential wilderness area is designated as wilderness.

22       (c) ECOLOGICAL RESTORATION.—

23               (1) IN GENERAL.—For purposes of ecological  
24 restoration (including the elimination of non-native  
25 species, removal of illegal, unused, or decommis-

1 sioned roads, repair of skid tracks, and any other  
 2 activities necessary to restore the natural ecosystems  
 3 in the potential wilderness area), the Secretary may  
 4 used motorized equipment and mechanized transport  
 5 in the potential wilderness area until the potential  
 6 wilderness area is designated as wilderness.

7 (2) LIMITATION.—To the maximum extent  
 8 practicable, the Secretary shall use the minimum  
 9 tool or administrative practice necessary to accom-  
 10 plish ecological restoration with the least amount of  
 11 adverse impact on wilderness character and re-  
 12 sources.

13 (d) WILDERNESS DESIGNATION.—

14 (1) IN GENERAL.—The potential wilderness  
 15 area shall be designated as wilderness and as a com-  
 16 ponent of the National Wilderness Preservation Sys-  
 17 tem on the earlier of—

18 (A) the date on which the Secretary pub-  
 19 lishes in the Federal Register notice that the  
 20 conditions in the potential wilderness area that  
 21 are incompatible with the Wilderness Act (16  
 22 U.S.C. 1131 et seq.) have been removed; or

23 (B) the date that is 5 years after the date  
 24 of enactment of this Act.

1           (2) ADMINISTRATION.—On designation as wil-  
 2       derness under paragraph (1), the potential wilder-  
 3       ness area shall be—

4           (A) known as the “Elkhorn Ridge Wilder-  
 5       ness”; and

6           (B) administered in accordance with this  
 7       Act and the Wilderness Act (16 U.S.C. 1131 et  
 8       seq.).

9   **SEC. 7. WILD AND SCENIC RIVER DESIGNATION.**

10       (a) DESIGNATION OF BLACK BUTTE RIVER, CALI-  
 11   FORNIA.—Section 3(a) of the Wild and Scenic Rivers Act  
 12   (16 U.S.C. 1274(a)) is amended by adding at the end the  
 13   following:

14           “(167) BLACK BUTTE RIVER, CALIFORNIA.—  
 15       The following segments of the Black Butte River in  
 16       the State of California, to be administered by the  
 17       Secretary of Agriculture:

18           “(A) The 16 miles of Black Butte River,  
 19       from the Mendocino County Line to its con-  
 20       fluence with Jumpoff Creek, as a wild river.

21           “(B) The 3.5 miles of Black Butte River  
 22       from its confluence with Jumpoff Creek to its  
 23       confluence with Middle Eel River, as a scenic  
 24       river.

1                   “(C) The 1.5 miles of Cold Creek from the  
 2                   Mendocino County Line to its confluence with  
 3                   Black Butte River, as a wild river.”.

4                   (b) PLAN; REPORT.—

5                   (1) IN GENERAL.—Not later than 18 months  
 6                   after the date of enactment of this Act, the Sec-  
 7                   retary of Agriculture shall submit to Congress—

8                   (A) a fire management plan for the Black  
 9                   Butte River segments designated by the amend-  
 10                  ment under subsection (a); and

11                  (B) a report on the cultural and historic  
 12                  resources within those segments.

13                  (2) TRANSMITTAL TO COUNTY.—The Secretary  
 14                  of Agriculture shall transmit to the Board of Super-  
 15                  visors of Mendocino County, California, a copy of  
 16                  the plan and report submitted under paragraph (1).

17 **SEC. 8. KING RANGE NATIONAL CONSERVATION AREA**  
 18 **BOUNDARY ADJUSTMENT.**

19                  Section 9 of Public Law 91–476 (16 U.S.C. 460y–  
 20                  8) is amended by adding at the end the following:

21                  “(d) In addition to the land described in subsections  
 22                  (a) and (c), the land identified as the King Range Na-  
 23                  tional Conservation Area Additions on the map entitled  
 24                  ‘King Range Wilderness’ and dated November 12, 2004,  
 25                  is included in the Area.”.



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**A BILL**

To designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

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